

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 646 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

DAHIBEN W/O SHANKERBHAI DESAIBHAI & ORS.

Versus

BHUPATBHAI ZAVERBHAI PADHIAR

Appearance:

None present for the Petitioners
MR A. HAMEED KURESHI for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/12/96

ORAL JUDGEMENT

Heard learned counsel for the respondent and perused the order of Gujarat Revenue Tribunal passed in application no.TEN.B.A.232/79 decided on 6-9-1979.

From the record of rights in V.F. Nos. VII, VIIIA and XII it comes out that the lands of Survey No.396/2 were shown to be in possession and cultivation

of the father of the respondent from 1960-61 to 1965-66. So according to the record of rights, the respondent no.1 was in possession of this Survey No.396/2 upto 1965-66. Though there is a dispute regarding the date upto which the respondent was in possession of the land, but the Tribunal has not committed any error in holding that the delivery of the possession to the petitioner as per the order of the learned Mamlatdar dated 20th September, 1960 was illegal as the said officer has no jurisdiction to hand over the possession of this land in a proceeding under sec.32G of the Act, 1948.

I do not find any illegality or any error in the order made by the Tribunal. The application filed by the respondent under sec. 32PP of the Act, 1947 for the purchase of this land by fixation of the purchase price is maintainable.

In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated.

zgs/-